Plaintiff Exhibit 11C: Mlaker Affidavit

U.S. Postal Service

1. Affiant's Name (First Allette, Last)

EEO Investigative Affidavit (Wilness)

Schaefer v. United States - EEOC:

MICHAEL	R. MLA	KAR	GREAT LAKE	ES AREA	OFFICE
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Plaintiff Exhibit 11C:

Mlaker Affidavit

Schaefer v. United States - EEOC:

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EEO Investigative Affidavit (Continuation Sheet)	2	7.	45-481-0093-0
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Plaintiff Exhibit 11D: Gaines Affidavit

Schaefer v. United States - EEOC:

Case # 2:06-cv-12824: Judge Bernard A. Friedman

U.S. Pustal Service EEO Investigative Affidavit (Witness) 1. Affaeirs Name (Las), First, MI)			Paga No.	No. 94,	1	IJ-481-0093-01	
GAINES, CHARLOTTE A. 3. Position Title			2. Employen	g Postal Facil	ly U.S. POSTAL 1		
3. POSEDN 1119 HUMAN RESOURCES SPECIALIS'T	4. Grade Level EAS-15	1401	ptel Address #1 W. FORT \$7. OIT. NO 482:	·		6. Unil Assigned INJURY COMPENSATION	
	P_{I}	TVAC A	A- I Notice				

Privacy Act Notice. The crelection of this information is authorized by the Equal Employment Opportunity. Act of 1972, 42 U.S.C. 5 2000s-10; the Age Discrimination of complexity and of 1967, as amended, 29 U.S.C. 5 033s; the Rehabilitation Act of 1973, as amended, 29 U.S.C. 5 704s; earlier Discrimination Act of 1973, as amended, 20 U.S.C. 5 704s; earlier Discrimination and to evaluate the effectiveness of the EED property. As a could be act of the expectation of th

contracts, financial, gentle or other benefits, to a congressional price at your request, to an expert, constituted or other preson under carrians with the USPS to fallified an agency function; to the Federal Remords Center for storage, to the Office of fidenaperment and Budget for review of private calmid fiquidation; to an independent contribed public accomment during an official audit, of USPS financial, to an investigation, administrative update to congretate scanning appointed by the Equal Employed Copyrights; administrative update to disregations accomment appointed by the Equal white 20 CPR 1914; to the Merit Systams Probabion Sound or Office of Systems Comment for proceedings of a rewestigation; and reviewing personnel practices and other matters within their proceduring, or a rewestigations and provising personnel practices and other matters within their proceduring, or an example general processing the district processing and other matters within their proceduring to the Congression of Provision, the without processing and other consistent and provision, the without processing the other correspondence; and other consistent and other consistent and the Provision of the administration of the correspondence; and other consistent accommendence. str. Exercise, grante or other benefits, to a congressional office

USPS Standards of Conduct

Postal Service regulations require all postal employees to cooperate in any postal investigation. Failure to supply the requested information could result in disciplinary action. (ELM 686)

7. Statement (Continue on Form 2568 # additional space is required) My name is Charlotte Ann Gaines. I am a Human Resources Specialist, EAS 15 and assigned to like Detroit District Injury Compensation Office located in Detroit, MI. I have been a Postal Employee for 31 years and 6 months. I am waiving my right to representation, at this time. In the event it becomes necessary, I may be represented by the Detroit District Labor Relations Office. On August 11, 2000, I was made aware that Mr. Schaefer had filed an EEO referencing his open case. A representative from Detroit District EEO requested a review of his file. The knowledge that there was an EEOC case pending had no impact on my dealings with Mr. Schapfer. Based on medical documentation received from Mark Schapfer and the OWCP (Office of Workers' Compensation Programs), I regarded Mr. Schapfer to be totally disabled for all work with the Postal Service. Upon review of medical documentation and concurrence by the Manager, Human Resources, I followed procedures through the Great Lakes Area Office and Headquarters by requesting a Separation Disability for Mr. Personnel. Mark Schaefer is on the Periodic Rolls with the OWCP. The Periodic Rolls provide to the authorized higher level Postal Personnel. Mark Schaefer is on the Periodic Rolls with the OWCP. The Periodic Rolls provide totally disabled amployees with a compensation check every 28 days, without the need to file a CAT. Injured employees are placed on the Periodic Rolls by the OWCP based on available medical documentation indicating that the employee's disability from work is going to be long term. Employees on the Periodic Rolls must be released to return to work by the OWCP. Upon receipt of valid medical documentation releasing the employee to return to work, the OWCP contacts the employing agency to secertain if suitable work is available. My role in returning an employee bact to work from the Periodic Rolls is to provide suitable work, upon OWCP request. The Periodic Rolls cases are managed at the Area level. The Detroit District Periodic Rolls cases were managed by Area Human Resource Specialist Debra Benodict in the Alleghany Area Office, located in Cleveland, Ohio. At the local level, I occasionally conversed with Specialist Debra Benedict regarding the status of Mark Schaefor's case. At no time did Ms. Benedict indicate that the OWCP had received valid medical documentation releasing Mr. Schaefer to return to work. I was not empowered to return mark Schaefer to full duty or work. The directive to return an employee to work from the Periodic Rolls must come from the OWCP through the Area Human Resources Specialist. This office nor I received any such directive. I sent all documents received by claimant to the OWCP, in a timely manner. I also provided Debra Benedict a copy. My conversation with Mark Schaefer on 03/14/01 consisted of his request for a written response for "why the Post Office is not returning him to

	ire auder beur	uity of perjury that the foregoing is true :	and correct.
Attent's Signature			Date Signed
Charlotte		·	Jenuary 3, 2002
PS Ferm 2558-B , March 2001	$\overline{\mathcal{O}}$	in E	
	- -	: <u>1</u> _1_	30

Honorable Bernard A. Friedman

Plaintiff Exhibit 11D:

Gaines Affidavit

Schaefer v. United States - EEOC:

Case # 2:06-cv-12824: Judge Bernard A. Friedman

UNITED STATES	
UNITED STATES POSTAL SERVICE®	1
EEO Investigative Affidavit (Continuation Sheet)	,

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I had no conversation with Mr. Schaefer regarding sending him a letter to return to work, which is why he never received one. I had previously sent the OWCP a copy of Mark Scheefer's position description (Carrier Technician) at the onset of his claim, in 1997. Debra Banadiet received the copy of claimant's position description when she copied his file from the OWCP Periodic Rolls unit. Mr. Schaefer had verbaily indicated to me that he had blidded on a position in Livonia, Mt and was awarded same, I never necelved written notification of the hid award and therefore could not submit testermation to Me. Retestion reporting his new hid. The OWCP of the bid award and therefore could not submit information to Me. Benedict regarding his new bid. The OWCP (Office of Workers' Companisation Programs has sole jurisdiction over the PECA (Federal Employees' Compensation Act). The OWCP determines the status of claims (i.e. acceptance, denial, compensation benefits eligibility and work status) based on review of available probative factual and medical information. The local level can not appeal OWCP rulings or override them. Mr. Schaefer's case was primarily managed at the Area level and the OWCP. There was an appeal of the level level and appeal of the Area level in the level and appeal of the Area level in the level and appeal appeal of the Area. level and the OWCP. There was no error or abuse in the local level management of Mr. Schaefer's case.

Attached are letters addressed to Mr. Schaefer referencing the etatus of his case and his request to return to work. Letters are from the OWCP, Debra Benedict and Leonard L. Brown. Mr. Scheefer's case was managed per 20 CFR 10.2 which indicates "the Director, Office of Workers" Compensation Programs and this or her designees have the sole authority for the edministration, implementation and enforcement of the provisions under the FECA". All decisions regarding claim issues are made by the US Department of Labor.

I declare under penalty of perjury that the foregoing is true and correct. January 3, 2002

Plaintiff Exhibit 11E:

Hill Affidavit

Schaefer v. United States - EEOC:

U.S. Postal Service	ge No. No. Pages Case No.
EEO Investigative Afridavit (Witness)	1 3 45-481-0093
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Privacy Act Notices, The authorized of this information in authorized by the Equal Employment Opportunity Act of 1979, 42 U.S.C. \$ 2003a-16; no Ago Discriptionation in Employment Act of 1987, 42 U.S.C. \$ 2003a-16; no Ago Discriptionation in Employment Act of 1987, 46 unrended 20 U.S.C. \$ 803ac; the Retablishment Act of 1977, an amended 20 U.S.C. \$ 7046; and Executive Order 11478, an empressed. This introduction will be used to adjustance completely obtained using the act of the a	curriencia, liamenana, presente or offerer bereaffer; los a repogressional officia est your expanse; so am eléphéric dormandeur, or others persons universi durante setts has 18876; stelli an experiency harciters; or she F-oderal Ramenta Content or othersque to the Official Ramengamence and Budgest for resilient of principle select legislation; so an independence of the Content o
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PS Form 2568-8, March 2001	nEC 2 1 2001
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Plaintiff Exhibit 11E: Hill Affidavit Schaefer v. United States - EEQC:

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EEO Investigative Affidavit (Continuation Sheet) 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
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Plaintiff Exhibit 11E: Hill Affidavit Schaefer v. United States - EEOC:

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i declare under penalty of perjury that the foregoing is true and correct.
The Signature GEORGE C. HILL M.D
PS Form 2569, May 2001 35

Plaintiff Exhibit 11F: Ava Brown Affidavit

Schaefer v. United States - EEOC: Case # 2:06-cv-12824: Judge Bernard A. Friedman

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Plaintiff Exhibit 11F: Ava Brown Affidavit

Schaefer v. United States - EEOC:

Case # 2:06-cv-12824: Judge Bernard A. Friedman

INSTRUCTIONS FOR COMPLETING AN AFFIDAVIT

READ THE FOLLOWING INSTRUCTIONS COMPLETELY **BEFORE YOU WRITE YOUR AFFIDAVIT**

Se advised that an affidavit is a written declaration made under eath and can be entered as evidence in a court of law. Also, be advised that anyone completing an affidavit has the right to representation should he/she so choose.

A. COMPLETING EEO INVESTIGATIVE AFFIDAVIT PS Form 2565-8:

- : Read all the information provided so that you know what the issues are about
- 2. The questions you must address are enclosed. Be sure you read them completely and fully understand the issues before you begin you affidavit.
- 3. Complete the following items on the header of the efficient:

 Nam 1 African's Name: Your Name: A VA D. a.v., Brown

 Item 2 Employing Postal Facility: City State and Zip+4 or your office Livonia, Nichigania 4C/60-149;

 Item 3 Postalon Tille: Your Tittle-Sup C-0150 A. Gus Famer Securiore

 Item 4 Grade Levet. Your Grade Level. EAS I to

 Item 5 Postal Address and Zip+6: of your installation 115:00 Mercima W. Livonia, M.E. Wilsoff

 Item 6 Unit Assigned: Leave blank if unknown
- Ham 7 is your statement.
 WRITE A CLEAR, CONCISE STATEMENT OF THE FACTS IN STORY FORM
 - 4. DO NOT number the questions on the affidavit.
 - b. DO NOT use yes of no attawers.

Do -- Convert the questions have a statement written in the first certain -- adding the information that you will be giving. (Exemple --- Question: Did you see what happened? Affidevit answer: I did see what happened and here are the facts...)

- c. <u>DO NOT</u> leave any blank space in the body of your affidavit do not indent the first line of each paragraph or leave a line between paragraphs. Start at the left margin of the page and write all the way to the right margin of the page leaving no empty space in the body of your statement.
- d. Type or print your efficient using black ink only.
- Initial any errors, changes, or corrections.
- 5. Use PS FORM 2589 EEO Investigative Affidavil (Continuation Sheet) when additional space is needed

Peer 1 of 2

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Plaintiff Exhibit 11F:

Ava Brown Affidavit

Schaefer v. United States - EEOC:

Case # 2:06-cv-12824: Judge Bernard A. Friedman

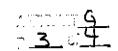


MARK SCHAEFER EEO FILK #43-481-0093-01 INVESTIGATIVE QUESTIONS FOR AVA BROWN

Note: In order to ensure your affidavit is clear and detailed, you must answer every question and every subpart of every question. If you cannot unswer a question, state why you cannot answer. You may give approximations, but only when you cannot be more specific and only when you indicate that your answer is an approximation.

ì.	State the fe	silowing information:
	۸.	Your complete name AVA Diane Brow V
	В.	Your job title Superno son Customer Service
	C.	Your grade level CAS 16
	D'	The Post Office at which you are employed Live with Main
	E.	The length of time you have been employed with the Postal Service 177 Years
		·

- 2. You have the right to representation. State whether you are waiving this right, or indicate the following information regarding your representative:
 - Name A.
 - B. Tide
 - C. Complete address
 - D. Telephone number
 - 10 Date retained
- 3. Prior to Merch 1, 2001, were you aware of Mark Schaefer's prior EEO activity? If so, A) state the following information:
 - A. When you became aware
 - Specifically how you became aware
 - C. Whether or not this knowledge affected any dealings you had with Mr. Schaefer
- 4. At this time or may time after, did you regard Mr. Schaefer as being disabled? NO
- Mr. Schaefer states to was high hidder on route 5027 yet you never notified him that he was awarded the route. Puptain why you have contacted him. Was he assigned to this route? Have you ever notified any other employee(s) they were awarded a route white they were off work on an extended leave pending a return? N
- 6. Mr. Schaefer states he was also the high hidder on route 5496 on 3-21-01 yet you never notified him that he was awarded the route. State why you never contacted him. Was he assigned to this route? N 🔾
- What is the policy regarding a recovered employee returning to work after an extended absence? Was this policy followed? If not, explain why not. ye_5



Honorable Bernard A. Friedman

Plaintiff Exhibit 11F. Ava Brown Affidavit

Schaefer v. United States - EEOC: Case # 2:06-cv-12824: Judge Bernard A. Friedman

> 8. Is a Fitness fix Duty Exam required after an employee has been off ill/injured for an 8. Is a l'imess fix Duty Exam required after an employeo has been out invintuous in an extended period of time? If so, who is responsible for setting up the FFO? Y-c 5, Harring great Common to the property of the property

to return to work? If so, state: 100 🗢 A. Who you spoke with

B. What instructions they gave you

11. Mr. Schaefer states you instructed him he wear't to use the employee entrance. State why he wasn't allowed to use the employee entrance and whether or not you've ever not allowed any other comployees to use the employee entrance. We will ex. Made an Confer

12. Why did you decide to issue a disability separation to Mr. Schaefer? State any specific policies you relied upon when making this decision. Fret documentation

13. Explain why Mr. Schaefer wasn't allowed to return to wask. \mathcal{H}_{1} 5 \mathcal{FFDE}

14. Mr. Suhaefer alleges you delayed and faisified form 3112h, the supervisor statement for the disability retirement application. Respond to this statement. (A copy of form 3112B that you completed is enclosed for your reference) I filled out the 3113 B to the best of he ability 1118 distributional information you may have regarding this complaint.

16. State any policies, procedures, etc. you followed or used while handling any of the incidents cited in this complaint. State specific citations.

17. Provide any documentation you may have that supports you arrawers or is relevant to this complaint.

Plaintiff Exhibit 11G: L. Brown

Schaefer v. United States - EEOC:

Case # 2:06-cv-12824: Judge Bernard A. Friedman

U.S. Postal Service EEO Investigative Affid 1. Affants Name (Last, First, MI) BROWN, LEONARD L.	lavit (<i>Witness</i>)		Page No. 1 2. Employing	No. Po. 2 Postal Faci DETR	Case No.	POST OFFICE	
3. Postion Title MANAGER, HUMAN RESOURCES	4. Grade Level EAS-24	1401 W	EADDONE M BBT FORY: IT, NE 4823:	STREET, 101	TH FLOOR	4. Volt Assigned ORSTRUCT OFFICE	E

Privacy Act Nedios. The corlection of this information is submittee by the Equal Employment Opportunity. Act of 1972. AS U.S.C. § 2000s-14. The Age Disconnection of Employment Act of 1972, AS U.S.C. § 2000s-14. The Age Disconnection of Employment Act of 1987, as amended. 26 U.S.C. § 603.2 six Resolvables on Act of 1973, as amended in the U.S.C. § 7944; and Employer Order 1974. As an amended. This information will be used to ediploise compliants of mileged disculinations and to existe mit effects of the U.S.C. § 603.2 six mileged disculinations and to existe mit entirely existed to an appropriate destination may be subconsidered to an appropriate destination appropriate formation for the submittee of the U.S.P.S. is appropriate to these proceeding to electronic transfer and the U.S.P.S. is a part of the U.S.P.S. is a part of the unitary of the control operation of the unitary of the control operation of the unitarity to a government agency upon its request value network pre-interest agency upon its request value networks to its discount concerning amployment, assembly destinations, security of suffacility investigations,

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USPS Standards of Contract

Postal Service regulations require all postal employees to cooperate in any postal investigation. Failure to supply the requested information could result in disciplinary action. (ELM 668)

7. Statement (Continue on Form 2569 if additional space is required)

L Leonard L. Brown, Manager, Human Resources, EAS-24, for the Detroit District, have held this position since November 1999, do hereby waive the right to representation.

I had no knowledge of Mr. Schaefer's EEO activity prior to Merch 1, 2001, and was made aware of his present case when I received the request for an affidevit. I did not regard Mr. Schaefer as being disabled, however, as unable to perform the requirements and conditions of the exployment for which he was hired. With respect to the letter dated March 5, 2001 to Mr. Schaefer, the injury Compensation Department to but one of the functional departments that report to the Manager of Human Resources.

The injury Compensation Department's purpose is to receive and process claims associated with work-related Messes and injuries. As the manager, I am requested to sign, as such, numerous testers to employees who have suffered injuries or linesees resulting from work-related activities. The correspondence to Mr. Schaefer dated March 6, 2001, was but one of them. It is rare that I am fully knowledgeable of the facts or circumstances of the case or the individual of concern. To my recollection, this was the case with Mr. Schaefer. I rely on my departments to properly administer the program or work within that unit.

While I don't apacifically recall speaking to Mr. Scheefer on March 13, 2001, it would be a likely response that I didn't remember sending out the eforementioned letter in light of my earlier comments. I have no knowledge of Postmaster, James Cappelli's involvement with the scheduling of Mr. Scheefer's Fitness for Duty examination, nor do I recall any specific discussions concerning his attempt to return to work. Mr. Schaefer was not allowed to return to work based on the factors outlined in the correspondence to him dated March 19, 2001. It is the District's policy to obtain a Fitness for Duty examination prior to initiating a disability separation.

I declare under penalty of perjury that the foregoing is true and correct.				
Arante Signatuje Decoraços F	Brown 2	Deta Signed 1 8 - 8 - 3 2		
9 Form 2568 b March 2001	AFFIDAVIT H			
	p. 1 of 2	41		

Honorable Bernard A. Friedman

Plaintiff Exhibit 11G: L. Brown

Schaefer v. United States - EEOC: Case # 2:06-cv-12824: Judge Bernard A. Friedman

UNITED STATES POSTAL SERVICE® EEC Investigative Affidavit (Continuation Sheet)	Pegy No.	No. , ages 2	Case No.	
(Conuntation Sheet)	1			

The Joyfield Station was phoned to hold a "epecific" piece of mail from being delivered to Mr. Schaufer. This was at my request. The reason for holding the mail piece was to give me an opportunity to discuss the issues and facts with members of management, who were familiar with the case, prior to delivery.

These efforts, however, were unsuccessful and all mails addressed to Mr. Schaefer were delivered. I don't recall if I had conversations with him concerning this matter, but I do recall speaking with a Postel Inspector who had been contacted concerning this matter. It was my understanding that the inspector's response would respond to all areas at issue concerning this matter.

I declare under penalty of perjury that the forego	ing is true and correct.
- Barrard Brown	4-8-02
Open 2669, Rept 2001	
HV\\CIFA	
$n \geq n \leq 1$	£11

Honorable Bernard A. Friedman

EEO Investigative Affidavit (Witness)

4J481009301

Plaintiff Exhibit 11H

Plaintiff Exhibit 11H: Price Affidavit

U.S. Postal Service

Schaefer v. United States - EEOC:

Case # 2:06-cv-12824: Judge Bernard A. Friedman

1

1. Afficia's Name (Lawl, First, MI)
PRICE, CAROLYN A. GEORGE W. YOUNG FACILITY/ DETROIT DIFFRICY 3. Postion Tille MANAGER, EEO DISPUTE RESOLUTION 5 Postat Address and Zip +4 1491 W. Fort Street Room \$18 DETROIT, MI 48233-8411 4. Grade Leve 6 UNI ASSOCIATI EQUAL EMPLOYMENT EAS-19 OPPOR Privacy Artitiotics Privacy Act Notice. The collection of this information is softenized by the Equal Employment Oppositually Act of 1972, 42 U.S.C. § 2000e-10. Its Age Disarrametries in Employment Act of 1987, we empedded, 29 U.S.C. § 633e; the Raturbitiseline Act of 1973, we empedded, 29 U.S.C. § 754e; and Executive Original Raturbitiseline Act of 1973, we empedded, 29 U.S.C. § 754e; and Executive Original 1478 as infrareded. This information will be used to adjusticate Company, As a religion of description and in evidence that affectiveness of the EEO program, As a religion of the experiment of the EEO program, As a religion of the experiment of the EEO program, As a religion of the experiment of the exp USPS Standards of Conduct Postal Service regulations require all postal employees to cooperate in any postal investigation. Failure to supply the requested information could result in disciplinary action. (ELM 686) 7. Statement (Continue as Form 1369 is administ space in required)

I have served as the Manager, EEO for twelve years. Prior to that I was assigned to the position of EEO Commelor/investigator for four years and to the position of Contral Region EEO investigator for eight years. I at no time withheld any of the necessary documents required by the complainant to file a complaint or in any manner attempted to restrain or impede his right to file a complaint against the Postal Service. I still do not have any idea as to what the complainant was referencing about his mail being pulled by my supervisor or anyone eiga. All the documents that the complainant filed in his formal complaint were made apart of his investigative file. This was verified with staff from the appeals office. No documents were withheld. My investigative file. This was verified with staff from the appeals office. No documents were withheld. My comment to the complainant was "I must be confusing you". If I offended the complainant I apologize. No offense, malice or insult was intended. I declare under penalty of perjury that the foregoing is true and correct.

Plaintiff Exhibit 111

Plaintiff Exhibit 111:

Spencer Affidavit

Schaefer v. United States - EEOC:

Case # 2:06-cv-12824: Judge Bernard A. Friedman

OWITNESS)	ative Affidavit	Page No.	N/ Vges J	684 N	481-0093-01
1. Affinit's Name (First, Middle, Lan RUBY M. SPENCER	GEO	ploying Possel RGE W. YO	UNG POST	'AL FA	CILITY
3. Position Title DISPUTE RESOLUTION SPECIALIST	4. Grade Level EAS- 17	5. Poetal Ad 1401 WEST DETROIT (FORT RM.	816	6. Unit Assigned HUMAN RESOURCES
	Privacy Ac	t Motice		1	

Privacy Act Notice. The collection of this information is authorized by The Equal Employment Opportunity Act of 1972, 42 L.S.C. 2009-16. The Age Distrimination in Employment Act of 1967, as amended, 29 U.S.C. 633a; The Ranabilitation Act of 1973, as amended, 29 U.S.C. 794a; and Executive Order 11476, as amended. The 794s; and Executive Order 1147s, as amounted. This information will be used to adjudicate complaints of alleged descrimination will be used to adjudicate complaints of alleged descrimination and to evaluate the officingness of alleged descrimination and to the tEC program. As a routine use, this information may be disclosed by an appropriate government agency, domestic or foreign, for law enforcement purposes; where pertinent, at a livral concession to which the 11925 to be of foreign, for law enfocationent purposes, where perfinent, as a legal proceeding to which the USPS is a party or has its lightness; to a government agency in order to obtain unformation relevant to a USPS decision consensing employment, soluting lawrences, contracts, Romers, (gistis, permits or other benefits; to a giventment agency (gistis, permits or other benefits; to a giventment agency (gistis, permits or other benefits; to a giventment agency (gistis, permits or other benefits; to a giventment agency (gistis, permits or other benefits; to a giventment agency).

envestigations, contracts, sopeness, grants or other benefits; to a congressional office of your request; to an expert, consistent, or diver person under confined with the USPS to fulfill an agency function; to the Personal Reports Center for storage; to the Office of Management; and Budget for review of privates reset legislation; to an independent earthful public accountant during an official audit of USPS finances; to an investigation, administrative judge a complaints examiner appointed by the Equal Employment Opportunity Commissions for few less supplies of a formal ECO complaint each for the less supplies of a formal ECO complaint ender 29 CPR 1614; to the Merit Systems Protection Board or Office of Special Countait for protecting the Search of the Countait for protecting the state of the Search Countait for protecting the Search Countait for protecting the search of the Search Countait for protecting the Search Count sivestigations, contracts, sceness, grants or other benefits: organization as required by the National Labor Relations Act. Under the Privacy Act provision, the information retravested is voluntary for the complement, and for Postal Service employees and other witnesses.

I, Ruby M. Spencer, EEO Dispute Resolution Specialist (DRS), EAS-17, am assigned to the Detroit District EEO Office. I have held this position since July 2000. My previous position, from 1986 until July 2000 was as EEO Counselor/Investigator (C/I). Mark E. Schaefer's, hereinafter referred to as the complainant, EEO complaint was assigned to me on April 18, 2001. During the Initial Interview he completed the same EEO forms, as other employees prior to discussing their EEO case with the DRS. There was no dispurity in how his case was handled. Impartial interviews and inquiries were conducted regarding his allegation of discrimination as per usual and customary. The complainant was not pressured or coerced into signing or submitting any documentation. I do not have the authority to discontinue processing any employee's EEO case. I must go through the same process and procedures with all employees who file EEO complaints. The complainant asked a lot of questions and I responded to the best of my ability, based on EEOC regulations, Federal law, Executive Orders, postal regulations, etc. I continuously explained how the EEO process worked throughout the Initial Interview and especially during the Final Interview with the complainant. I did not deliberately delay the complainant's EEO case, mislead, discourage or commit any fraudulent acts against him.

- NOTHING BELOW THIS LINE -

I dectare und	er penalty of perjury that the for	regoing is true and correct.
Affient's Signature	M. San	Dets C 10 a C 11 c 2 a a c
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Honorable Bernard A. Friedman

Plaintiff Exhibit 11J:

Lave letter

Schaefer v. United States - EEOC:

Case # 2:06-cv-12824: Judge Bernard A. Friedman

EASTERN AREA INJURY COMPENSATION U S POSTAL SERVICE



December 17, 2001

TAMMY KLEIN EEO COMPLAINTS INVESTIGATOR 1401 W FORT ST RM 818-8 DETROIT MI 48233-9994

RE: Mark Scheefer

Dear Ms. Kliein,

Lam in receipt of two affidavits for employees that are not employed by this office. Debra Benedict transferred to the Dept. of Labor in July of this year and William Naples is the Manager, Injury Compensation in the Cleveland District office.

While employed by our office, Dabra had administrative responsibility for Mr. Schaefer's injury compensation claim. The case has been reassigned to Beth Eliopoulos of the Greater Michigan District as of September of this year. I'm returning the affidavits to you as I cannot assist you without the case file.

If you have any additional questions, please call me at the number listed below.

Sharon Lave

A/Human Resources Analyst

Eastern Area

P O BOX 9345Y CLEVELAND OH 44161-6457 218-443-4753 PAX: 215-443-4023

Plaintiff Exhibit 11K:

Gaines Affidavit

Schaefer v. United States - EEOC: Case # 2:06-cv-12824: Judge Bernard A. Friedman

Page No. | No. Pages | Case No. U.S. Postal Service 2 4J-481-0093-01 1 EEO Investigative Affidavit (Witness) 1 Attiant's Name (Last, First, Mi) 2 Employing Postal Facility U.S. POSTAL SERVICE GAINES, CHARLOTTE A. 5. Postal Address and Zip +4 Und Assigned 4, Grade Levet HUMAN RESOURCES SPECIALIST **EAS-16** 1401 W. FORT ST. INJURY DETROIT, MI 48233-9443 COMPENSATION

Privacy Act Notice

Privary Act Notice. The collection of this information is authorized by the Egoal broadognach Opposition year of 1972, 42, U.S.C. § 2006-10, the Age bisomerication of Empowersh Act of 1967 as severaled, 29 U.S.C. § 4335, if the Polysolation And 1973 as amongoid 30, U.S.C. § 7948; and Executive Order 19478, or a magnificial Tiles information into the use to adjust accompanity of accycle discommission and to institute the white-terminal time EEC program. As a rounded by this information may be disclosed to an appropriate government agency, developing our facing in for law entirectment purposes, where performed, in a final time for the transfer of the program o thigh) productions to which the USPS is a party to has an observe, to a government regions to order to obtain information relevant to a USPS decision concerning comployment security describes, contracts licenses, grants, permits of other benefits to a government agency upon as request when relevant to its decimal. concentury emilysyment, security clearances, security or endepliny investigations.

contracts idenses, grants or other benefits; to a congressional office at your request, to an expert, consultant or other person under confider with the USP'S to NUMB an agency function; to the Frederic Records Contrating strategy, to the Griffian or Management and Budget for review of private relief tensistion; to an independent confider proble accountment unding an official audit of USP'S inheritors to an independent authorities authorities authorities authorities authorities. The Expedit Employment Opportudity Commissions for investigation of a formal EST intervalvant property (CER 644 a nit to Metric Seasons Protections Bearing a Utilize of Social Employment Opportunity Commissions or invitangation of a terminal parameter of CPR 614. A of the Merit Systems Protection Board or Liftice of Special Counsel for producings or Investigations involving personnet practices and other continues when their jurisdiction, and to a febor requiritation as conditional by the Associate Labor Relations Act. Under the Privacy Act provision, the information requested by voluntary for the complianant, and for Postal Service employees and other witherwes.

USPS Standards of Conduct

Postal Service regulations require all postal employees to cooperate in any postal investigation. Failure to supply the requested information could result in disciplinary action. (ELM 666)

7. Statument (Continue on Form 2569 if additional space is required). My name is Charlotte Ann Gaines. I am a Human Rosources Specialist, EAS 15 and assigned to the Detroit District Injury Compensation Office located in Detroit, Ml. I have been a Postal Employee for 31 years and 6 months. I am waiving my right to representation, at this time. In the event it becomes necessary, I may be represented by the Detroit District Labor Relations Office. On August 11, 2000, I was made aware that Mr. Schaefer had filed an EEO referencing his open case. A representative from Detroit District EEO requested a review of his file. The knowledge that there was an EEOC case pending had no impact on my dealings with Mr. Schaefer. Based on medical documentation received from Mark Schaefer and the OWCP (Office of Workers' Compensation Programs), I regarded Mr. Schaefer to be totally disabled for all work with the Postal Service. Upon review of medical documentation and concurrence by the Manager, Human Resources, I followed procedures through the Great Lakes Area Office and Headquarters by requesting a Separation Disability for Mr. The Separation Disability was subsequently approved by the authorized higher level Postal Personnel. Mark Schaefer is on the Periodic Rolls with the OWCP. The Periodic Rolls provide totally disabled employees with a compensation check every 28 days, without the need to file a CA7. Injured employees are placed on the Periodic Rolls by the OWCP based on available medical documentation indicating that the employee's disability from work is going to be long term. Employees on the Periodic Rolls must be released to return to work by the OWCP. Upon receipt of valid medical documentation releasing the employee to return to work, the OWCP contacts the employing agency to ascertain if suitable work is available. My role in returning an employee bact to work from the Periodic Rolls is to provide suitable work, upon OWCP request. The Periodic Rolls cases are managed at the Area level. The Detroit District Periodic Rolls cases were managed by Area Human Resource Specialist Debra Benedict in the Alleghany Area Office, located in Cleveland, Ohio. At the local level, I occasionally conversed with Specialist Debra Benedict regarding the status of Mark Schaefer's case. At no time did Ms. Benedict indicate that the OWCP had received valid medical documentation releasing Mr. Schaefer to return to work. I was not empowered to return mark Schaefer to full duty or work. The directive to return an employee to work from the Periodic Rolls must come from the OWCP through the Area Human Resources Specialist. This office nor I received any such directive. I sent all documents received by claimant to the OWCP, in a timely manner. I also provided Dobra Benedict a copy. My conversation with Mark Schaefer on 03/14/01 consisted of his request for a written response for "why the Post Office is not returning him to work"

I declare under penalty of perjury that the foregoing is true and correct.				
Affiert's Signature		Date Signed		
Charlette Cl a		January 3, 2002		
PS Furni 2668-6 March 2001	11/25/02_	00005/		

Case: 2:06cv12824

Honorable Bernard A. Friedman



Plaintiff Exhibit 11K:

Gaines Affidavit

Schaefer v. United States - EEQC:

Case # 2:06-cv-12824: Judge Bernard A. Friedman

UNITED STATES	Page No	No Pages	Case No.
POSTAL SERVICE®	2	2	4J-481-0093-01
EEO Investigative Affidavit (Continuation Sheet)	<u> </u>		

I had no conversation with Mr. Schaefer regarding sending him a letter to return to work, which is why he never received one. I had previously sent the OWCP a copy of Mark Schaefer's position description (Carrier Technician) at the onset of his claim, in 1997. Debra Benedict received the copy of claimant's position description when she copied his file from the OWCP Periodic Rolls unit. Mr. Schaefer had verbally indicated to me that he had bidded on a position in Livonia, MI and was awarded same. I never received written notification of the bid award and therefore could not submit information to Ms. Benedict regarding his new bid. The OWCP (Office of Workers' Compensation Programs has sole jurisdiction over the FECA (Federal Employees' Compensation Act). The OWCP determines the status of claims (i.e. acceptance, denial, compensation benefits eligibility and work status) based on review of available probative factual and medical information. The local level can not appeal OWCP rulinge or override them. Mr. Schaefer's case was primarily managed at the Area level and the OWCP. There was no error or abuse in the local level management of Mr. Schaefer's case. Attached are letters addressed to Mr. Schaefer referencing the status of his case and his request to return to work. Letters are from the OWCP, Debra Benedict and Leonard L. Brown. Mr. Schaefer's case was managed per 28 CFR 10.2 which indicates ' the Director, Office of Workers' Compensation Programs and his or her designees have the sole authority for the administration, implementation and enforcement of the provisions under the FECA'. All decisions regarding claim issues are made by the US Department of Labor.

declare under penalty of perjury that the foregoing is true and correct.					
Affiant's Signature		Date Signed			
haplotte le pure		January 3, 2002			
PS Form 2549, March 2001	11/25/02	000058			

Honorable Bernard A. Friedman

Case: 2:06cv12824

Plaintiff Exhibit 11K:

Gaines Affidavit

Schaefer v. United States - EEOC:

Case # 2:06-cv-12824: Judge Bernard A. Friedman

-Bargaining Unit Positions

2300×

Carrier Technician-Level 6 (2310-02)

Document Date: November 30, 1987

Function

As principal carrier for a designated group of not less than 5 letter routes, delivers mail on foot or by vehicle on the routes in his group during the absence of the regularly assigned carrier, and provides job instruction to newly assigned carriers.

Description of Work

See Handbook EL-201 (P-1), Standard Position Descriptions, for the occupation code given above.

Proficiency Requirements

1. General

Applicants must have demonstrated to a sufficient degree the following skills, abilities, and knowledge to assure adequate performance in the position:

Ability to use reference materials and manuals particularly as it relates to city delivery service.

2. Special

Applicants must have:

- Ability to instruct new carriers in the office and street duties and responsibilities of a city carrier.
- Ability to work independently.
- Ability to work with carriers in improving delivery service and in maintaining cooperative relationships with customers.

Experience Requirements

- 1. At least 2 years of postal experience, of which at least 1 year must have been in the performance of city carrier duties.
- 2. Successful completion of a 4-year high school curriculum may be substituted for 1 year of the required experience, but not for the 1 year of experience as city carrier.

Note: The required amount of experience will not in itself be accepted as proof of qualification. The applicant's record of experience and training must show the ability to perform the duties of the position.

EL-303, TL-2, 11-30-87

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Honorable Bernard A. Friedman

Case: 2:06cv12824

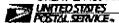
Plaintiff Exhibit 11L:

Norfleet Affidavit

Schaefer v. United States - EEOC:

Case # 2:06-cv-12824: Judge Bernard A. Friedman

OFFICE OF EQUAL EMPLOYMENT OPPORTUNITY GREAT LAKES AREA



UNITED STATES POSTAL SERVICE **EQUAL EMPLOYMENT OPPORTUNITY CASE** IN THE MATTER OF:

Mark E. Schaefer, Complainant,

٧.

John E. Potter, Postmaster General, Respondent.

Case Number: Formal Filling Date: 4-J-481-0155-00 Remanded 06A21203

01A10356

Date: October 22, 2002

To: Shelia Norfleet

REQUEST FOR AFFIDAVIT

Please be advised that an investigation have been commenced into the above EEO complaint. In this complaint, Mr. Schaefer alleges discrimination based on his Mental Disability regarding the following issue(s):

- Denied reasonable accommodation when the doctor's orders were not 1. followed and no suitable position or workplace was recommended
- Physically assaulted by supervisor 2.

You are requested to submit an affidavit. An affidavit is a declaration made under oath, affirmation, or written statement of penalty of perjury. It is taken without a pledge of confidence and will be included in the investigation file. Once the investigation is completed, a copy of the investigative file will be provided to the Complainant. The investigative file forms the basis upon which a Final Agency Decision on this EEO

Case: 2:06ev12824

1401 W. Fort Street, Room 616-8 Detroit Mil 46233-9994 313-226-8106 FAX 510-903-2051

000796

Plaintiff Exhibit 11L;

Norfleet Affidavit

Schaefer v. United States - EEOC:

Case # 2:06-cv-12824: Judge Bernard A. Friedman

complaint will be determined. Your testimony is necessary, as it will constitute the official articulation of the Postal Service's non-discriminatory reason for the above action. The enclosed questions must be answered in your affidavit.

Please be advised you have the right to elect an individual of your choosing to represent you in this matter. It is important that you begin to prepare your testimony immediately, as your response must be submitted within five (5) days of your receipt of this request.

Enclosed for the purpose of submitting your affidavit you will find:

- 1. A list of questions to be answered
- 2. Instructions for completing your affidavit
- 3. One copy Ps Form 2568-B, EEO Investigative Affidavit (Witness)
- 4. Four copies PS Form 2569, EEO Investigative Affidavit (Continuation Sheet)
- 5. PS Form 2571, Certification

Thank you for your anticipated cooperation in this matter. If you have any questions, please do not hesitate to contact me at (313) 226-8108.

Sincerely,

Vanessa R. Lodge

Ad Hoc EEO Investigator

Enclosures

1401 W. Fort Street, Room 816-0 Detroit Mt. 45233-9994 313-225-6106 FAX 313-963-2051

000797

Plaintiff Exhibit 11L:

Norfleet Affidavit

Schaefer v. United States - EEOC:

Case # 2:06-cv-12824; Judge Bernard A. Friedman

t) S. Postal Service EEO Investigative Affid 1. Alfant's Name (Last, First, MI) NORFLEET, SHEILA A.	avit (Witness)		Page No. No Pages 1 2. Employing Postal Facility	WEEN POST	office
3 Position Title CUSTOMER SERVICE SUPERVISOR	4. Grade Level EAS-17	27631	NO Address and Zip +4 I MICHEDAN AVENUE I 4998		6. Unit Assigned 0141

Privacy Act Notice

Privacy Act Notice. The explaction of this information is authorized by the Equat-Priviley Act recision. The explanation true procreasing is summerced by the cipies Employment Opportunity Act of 1987, 42 U.S.C. § 2000x-16; the Agn Discriptionation in Employment Act of 1987, as amended, 29 U.S.C. § 630a; the Rehybilitation Act of 1973, as amended, 29 U.S.C. § 794a; and Executive Order 19478, as amended. This information will be used to adjudged complaints of silleged discrimination and to avaluate the effectiveness of the EEO program. As a routine use, this information may be disclosed to an appropriate government agrees, dominate or lessings, for tow enforcement purposes; where perhitment, in a logist proceeding to which the USPS is a puty or has an informat; to a government agreey in artist to ablem information relevant to a USPS decision concerning employment, security charances, contacts, ficenses, grants, permits or reflect benefits; to a government agency upon its request when relevant to its decision or exemple, and applicable investigations,

creativents, liconisces, grants or other benefits; to a congressional office of you requires, its up appert, consultant or other person under contract with the USPS to fulfill an appency function, to the Faderal Records Center for storage; to the Office of trains an agency function; to the Federica Research Centrals Control to the Control of Management and Bushpel for review of private select Rejistance; to an interpolation certified public accountant during an official such of USPS linences, to an investigator, administrative pulpe or completely examiner appeared by the Equal Employment Oppurtuals Commission for Investigation of a formatication completely under 29 CFR 1614, to the Merit Systems Protection Sward or Office of Special Counted for proceedings or investigations moving personnel practices and other matters extra their jurisdiction, and to a labor organization as required by the National Cabor Relations Act. Under the Privacy Act provision, the information columns is voluntary for the complement, and for Postal Service employees and other othersesses.

USPS Standards of Conduct

Postal Service regulations require all postal employees to cooperate in any postal investigation. Failure to supply the requested information could result in disciplinary action. (ELM 666)

7. Statement (Continue on Form 2569 if additional space is required)

On Saturday, July 5, 2002 Mr. Mark Schaefer kept walking away from his carrier case which was directly behind the supervisors deak. The supervisor deak puts their back to the case which is route 5043 if I'm not mistaken. The route belonged to Donna High and Mr. Schaffer was the T-6 on her route. I had instructed Mr. Schaffer on going to his route and casing the flats on his route. Mr. Schaffer came to my desk and cracked a joke as he so often did. I was talking to a couple of carriers at the time concerning their pay and when he cracked his joke and I laughed and put my hand up which lightly touched his chest and said "get out of here". I continued talking to the cerriers and then to the clerks to have 3971's(Notification of Absence) signed and the time put in since it was the end of the pay period. After another 10 minutes I went back in the time office at Livenia and sat and ate a bagel and drank a cup of coffee white I answered the timekeepers questions.

I wont back to the workroom floor and observed Mr. Schaefer at another carriers case around the corner from his case. He was having a conversation with two other carriers, Gary Burda and Tom the express person. I ag≅in instructed Mr. Schaeler to go back to his case. He turned around and frowned at me and started saving stay away from me, you tried to kill me . Mr. Schaefer then went back to his case and cased some mail on the route. This all happened at approximately \$:30a.m. At approximately 10:00a.m. he was paiged to the telephone and the person said it was the postal inspectors.

Mr. Schaefer's girffriend(Laura Stimac) filed an EEO against me and lost the case in March of 1997(see attached Summary). I believe this was an attempt to get revenge for her. I believe someone help him put this together due to some of the route changes that had just recently taken place.

Mr. Schaefer didn't ask to seek medical attention until after the Inspector came to our office at approximately 12:00p.m. Per the medical documentation, he showed no signs of injury until three days later on a Monday when he went to injury compensation.

Mr. Schaefer also pressed charges against me and I had to go to court to defend my life and my honor on December 10, 1997. This was a very stressful time although the judicial system in Livonia was fair and the case was dismissed(see count transcript). I am unable to find all of the relevant papers due to remodeling of my basement but they will be forwarded before the week is over, there will be attached statements made at the time.

I declare under penalty of perjury that the foregoing is true and correct. Date Signed

Honorable Bernard A, Friedman

Case: 2:06cv12824